

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF EMERY COUNTY COMMISSIONERS
HELD IN THE EMERY COUNTY COURTHOUSE

JULY 8, 2014

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 231322 through and including # 231486 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
37-14	Repeater replacement for Horn, GR and Cedar Sheriff/Communications	\$9,930.00
38-14	Equipment for Communication Trailer Sheriff/Communications	\$1,227.50
39-14	Equipment for Communication Trailer Sheriff/Communications	\$4,044.65
40-14	Apple Ipad Air Sheriff/Emergency Management	\$ 729.99
41-14	HI-Q Piranha -5R Military Grade antenna Sheriff/Communications	\$ 795.00
42-14	Canon EF 16-35 mm Lens Sheriff	\$1,699.00

There were no dispositions.

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(2)

APPROVAL OF OUT-OF-STATE TRAVEL FOR RAY PETERSEN AND ETHAN MIGLIORI TO WASHINGTON D.C. FOR PUBLIC LAND ISSUES.

(3)

APPROVAL OF OUT-OF-STATE TRAVEL FOR CHRISTINE JENSEN TO LEXINGTON, KY FOR NEAFCS CONFERENCE.

(4)

APPROVAL OF BUSINESS LICENSE FOR MEADOWLARK HILL.

(5)

APPROVAL OF BUSINESS LICENSE FOR PAYNE'S COURIER SERVICE.

(6)

APPROVAL TO HIRE TRACY CLARK AS THE FULL TIME CORRECTION COOK WITH BENEFITS. GRADE 13.

(7)

APPROVAL TO PROMOTE BRENT WARD FROM A CORRECTION OFFICER I TO CORRECTION OFFICER II FOR COMPLETING TWO CONSECUTIVE YEARS ON THE JOB. EFFECTIVE 6-23-14. GRADE 16.

(8)

APPROVAL TO PROMOTE KENNETH ELEY, JR. FROM PATROL DEPUTY II FOR COMPLETING THREE CONSECUTIVE YEARS ON THE JOB. EFFECTIVE 6-23-14.

(9)

APPROVAL OF COMMISSION MEETING MINUTES DATED JUNE 24, 2014.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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DISCUSSION AGENDA

(1)

ITEMS PULLED FROM CONSENT AGENDA.

Nothing

(2)

EMPLOYEE OF THE MONTH.

Commissioner Migliori indicated that the employee of the month was not able to attend the meeting today. Therefore, Commissioner Ethan Migliori made a motion to table this until the July 22nd meeting. The motion was seconded by Commissioner JR Nelson. The motion passed.

(3)

CONSIDERATION AND POSSIBLE APPROVAL OF AMBULANCE BILL
REDUCTION/WRITE-OFF REQUEST FOR BRANDI SEYLER.

Commissioner Nelson indicated that Ms. Seyler has been making small payments on her account since 2010. The interest accrued on the account is approximately \$18.00 a month. So the small payments of \$5.00 to \$10.00 are not covering the interest each month and or reducing the balance owed. Commissioner Migliori suggested contacting her and negotiate a larger monthly payment to reduce the balance. Commissioner Ethan Migliori made a motion to deny the request for an ambulance bill reduction/write-off from Brandi Seyler and to turn it over to collections. The motion was seconded by Commissioner JR Nelson. The motion passed.

(4)

CONSIDERATION AND APPROVAL OF CONTRACT WITH JOHANSEN AND TUTTLE
ENGINEERING FOR DESIGN OF THE HUNTINGTON STATE PARK TRAIL SYSTEM.

Mike McCandless explained that the contract with Johansen and Tuttle Engineering is for design of the Huntington State Park Trail System. The trail will go from Huntington City to Huntington Lake. He added that this is a 50/50 grant with Huntington City and the Emery County Travel Bureau. The Travel Bureau's portion for this project will be \$12,000.00. Commissioner Ethan Migliori made a motion to approve a contract with Johansen and Tuttle Engineering for design of the Huntington State Park Trail System. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(5)

CONSIDERATION AND APPROVAL OF EMERGENCY MANAGEMENT
PERFORMANCE GRANT ARTICLES OF AGREEMENT FOR FY 2014.

Commissioner Ethan Migliori made a motion to approve of Emergency Management Performance Grant Articles of Agreement for FY 2014. The motion was seconded by Commissioner JR Nelson. The motion passed.

(6)

RATIFICATION OF COOPERATIVE AGREEMENT FOR NOXIOUS WEED
MANAGEMENT BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE & STATE
LANDS AND EMERY COUNTY WEED AND MOSQUITO DEPARTMENT

A Cooperative Agreement for Noxious Weed Management between Utah Division of Forestry, Fire & State Lands and Emery County Weed and Mosquito needed to be signed to meet time constraints. Therefore, Commissioner Ethan Migliori made a motion to ratify the signing of a Cooperative Agreement between UDF&SL and Emery County Weed/Mosquito Department. The motion was seconded by Commissioner JR Nelson. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF AMENDMENT 6 TO COOPERATIVE
AGREEMENT 68-8D43-12-48 & 49 BETWEEN EMERY COUNTY AND UNITED STATES
DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE
(NRCS) FOR TA AND FA ON EWP FY12 SEELY FIRE PROJECT #5088.

The amendment to Cooperative Agreement is for an extension of time to complete the project. Commissioner Ethan Migliori made a motion to approve of Amendment 6 to Cooperative Agreement 68-8D43-12-48 & 49 between Emery County and US Department of Agriculture Natural Resources Conservation Service for TA and FA on EWP FY 12 Seely Fire Project #5088. The motion was seconded by Commissioner JR Nelson. The motion passed.

(8)

APPROVAL OF RECIPROCAL GRANTS OF EASEMENT BETWEEN STATE OF UTAH
AND EMERY REFINING, LLC.

Attorney David Blackwell indicated that the Reciprocal grant of Easement between State of Utah and Emery Refining, LLC. is part of the sale parcel and will benefit all parties. Commissioner Ethan Migliori made a motion to approve of Reciprocal Grants of Easement between State of Utah and Emery Refining, LLC. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(9)

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION AUTHORIZING THE
CREATION OF THE SEVEN COUNTY INFRASTRUCTURE COALITION.

Mike McCandless continued discussed with the Board of Commissioners regarding a Resolution authorizing the creation of the seven county infrastructure coalition. He indicated that the purpose is to create an entity that could secure funding on behalf of the overall group to facilitate projects to be done as a group. As set out in the agreement, there would be representation from each of the seven counties by way of an elected official from each of the seven counties. This would be a new legal entity. Eric Johnson, Attorney for the group has drafted a resolution for consideration by all counties in the group. Commissioner Nelson indicated that this requires cooperation from all the seven counties involved. If not, then they will go back and draft the resolution for six counties. He indicated that Mike McCandless and Commissioner Horrocks have been involved in this process from the beginning and felt that it is positive for economic development in all the counties involved of which Emery County is one. Mike McCandless indicated that this would enable the group to apply for funding to do projects such as NEPA work, working with the BLM clearing the hurdles for projects that are four or five years down the road.

Jeff Guymon expressed concerns regarding the resolution. He indicated he has serious concerns over creating another government entity. He agreed with the MOU with the other counties to say we are on the same page, but stated he felt we already have the infrastructure in place that has the ability to do all these things. Mike with Economic Development and Ray with Public Lands and committees that work with them have the ability to do these things already. He stated he did not see the point of creating another entity that is able to own, acquire, construct, build, develop, operate things in all of these other counties or giving them the gift of imminent domain. He indicated at he did not see anything in the MOU or proposal that says who is going to appoint. Who makes up the group? This entity will have ability to employ or contract and also go into debt. He indicated he has heard it said that we would not incur that debt if it was defaulted on but yet if it defaults, if you are the one who created the debt, it has to go back to the one who created the debt. The construction company who builds the road or railroad will be left with not being paid. His final concern expressed was, at what point does government own so much of land or things that we do not have anything left to tax to pay for the necessities of the county?

Dave Blackwell addressed the provisions in the agreement regarding holding harmless the county or indemnifying the county from debt. Jeff raised a good point. If they do go defunct then who is going to hold us harmless? They only way that we would be held harmless is if they don't owe anybody any money. The other issue Jeff mentioned was the way that each county representative was appointed. Mr. Blackwell indicated that process was spelled out in the agreement that was looked at in the last Commission meeting, but it is not on the agenda for this meeting.

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Mike commented that what is contemplated, conceptually is to look at things that need to be done to make things happen. They are looking at things like the proposed railroad facility. They are hoping to help facilitate the process to make things happen and become a reality. Use things that have already been in place for years and enable it to become much larger in scope. The other component from this is the possible revenue that comes from this process is shared with the other counties in the group.

Commissioner Nelson commented that this entity would be eligible for CIB funding.

Jeff rebutted that we already have a SSD#1 board in place to make those types of things happen. He stated he believes in limited government. He felt that we have an infrastructure in place that can do all of these things. It is just going to take a little bit more work. That is what the Commission is here for. If you appoint someone that is on this board that means that this group becomes one more step removed from the public. He felt the public needs to have input on these things. He stated he doesn't believe in going out to find ways to generate revenue. Businesses need to own property so we can collect tax revenue. He stated he doesn't believe in creating a new way of collecting revenue. He stated he believes in simplified government.

Brenda Tuttle commented that she echoed what Jeff said. We operate on a limited budget here. Who has the ability to decide if that is debt we want to be a part of? We won't anymore. With the Service District we enter into agreements that we know what we are liable for. With this group she didn't see how that would work. The county would be out on a limb for what this group decides to do.

Commissioner Nelson expressed his concern for being left out. These other counties are anxious to improve economic development.

Mike added that if we don't have the protections in the agreement that protect the county financially he would not recommend approval either. The intent is have the ability to go out and do work, to knock down barriers. If we can do that by other means he is in support of that. As a group we want to be able to get ahead of the curve with these large projects.

Ray Petersen asked don't we have the ability to do that now?

Commissioner Horrocks commented that when you are trying to do a multi county project we don't have any leeway with some of these counties who don't's have Service Districts.

Mike added that every county has a separate process for doing projects.

Commissioner Horrocks added that what is on the agenda today is the resolution to create.

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The final document is a interlocal agreement that has been drafted but will need some editing for all the other counties to be included.

Mike commented that the concept is to create a universal process for the seven counties that will all operate by the same set of rules.

Legal counsel and the Commission has to be supportive of the concept that has been discussed today. Mike commented that if the Commissioners are not comfortable with the process then he recommended that they not move forward. Moving forward should be driven by the Commission's level of comfort.

Mr. Blackwell indicated that he had some questions that he directed to legal counsel for the seven county coalition, Mr. Johnson. Mr. Johnson did answer his questions.

Mr. Blackwell indicated that if they pass the resolution it sets in motion the process for the interlocal agreement.

Commissioner Horrocks indicated that the concept is good if they can get it to where it doesn't encumber the county in any way.

Commissioner Horrocks thanked those who made comments today.

Commissioner Ethan Migliori asked Mike if the Commissioners table this issue until the July 22 is this going to give us time to gain clarity to move on this matter? He indicated that he sees this as a tool get economic development. If we don't take a risk to put more money into economic development in Emery County we are going to continue to stay exactly where we are at.

Commissioner JR Nelson made a motion to table this item until the July 22nd meeting to allow time to address the questions brought up today. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Attorney David Blackwell suggested putting both the resolution and the interlocal agreement on the agenda for the next meeting.

(10)

COMMISSION/ELECTED OFFICIALS REPORTS.

Commissioner Migliori

Commissioner Migliori reported that the Emery County Business Chamber will hold their lunch

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and learn on July 16th. The Alex Boye Concert will be Monday, July 14th at the high school auditorium. The Historical Preservation Committee will be installing silhouettes this month. The Care Center is still working through the RFP process. He attended the annual Rocket Camp in Green River. He stated it was well attended by many from all over the country. Castle Dale Stake Center held their youth conference where their project included placing plaques of notable places in the area and a service project. The Recreation Special Service District is moving forward with their Huntington Ball Complex Renovation Project. They broke ground yesterday and are working to use salvage in other areas.

Commissioner Nelson

The libraries are going through a major renovation process while they do away with the dewey decimal system. He attended Emery Water Conservancy District meeting where they discussed storage water going into the supply. Joe's Valley came close to spilling over and Millsite did spill over. They will begin dredging to clean out the sediment from the bottom to help increase storage. They are cleaning debris in Huntington Canyon in preparation for the rainy season.

Commissioner Horrocks

Commissioner Horrocks reported that he has spent an extreme amount of time on low income housing to bring the units into compliance. They have updated 13 apartments and 1 storage building. The units have improved over the last inspection. Leslie Bolinder has worked extremely hard getting the books ready for inspection. He thanked the other commissioners who took up the slack while he was busy on the housing project.

(11)

ADJOURNMENT

The meeting was adjourned.

ATTEST: _____ COMMISSIONER: _____